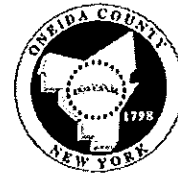




ONEIDA COUNTY FARMLAND PROTECTION BOARD



Brymer Humphreys, Chair

Paul Kirk ♦ Thomas Cassidy ♦ George Gafner ♦ Michael J. Cosgrove ♦ Andy Gale
Patrick H. Brennan ♦ Marty Broccoli ♦ John R. Kent, Jr. ♦ Kathy Pilbeam

Clifford Kitchen

NOTICE

12/27/10
Mel -
see me
12/28/10
[Signature]

TO: ALL ONEIDA COUNTY TOWN CLERKS
FROM: BRYMER HUMPHREYS,
CHAIR, FARMLAND PROTECTION BOARD
DATE: DECEMBER 22, 2010

Please post the enclosed notice in your municipal building.

Oneida County has designated the month of January to be Open Enrollment Period for persons applying to be included in an agricultural district. In September of 2003, the Department of Agricultural and Markets amended a section of the law adding section 303-b which states that counties must select a 30 day period in which a landowner can submit a request for inclusion of any viable agricultural land in an already established Agricultural District. Oneida County has selected January, with applications being accepted until JANUARY 31ST.

The procedure will be as follows:

1. Persons wishing to submit an application should pick up forms at their Town Clerk's Office, complete the forms and return them to the Oneida County Planning Department, Union Station, 321 Main St., Utica, NY 13501, postmarked by January 31st, 2011.
2. Applications will then be reviewed by the Farmland Protection Board, after which time, the Farmland Protection Board will request to commence a Public Hearing. The members will vote to adopt or reject the inclusion of such land.
3. The Farmland Protection Board will forward the results of the Public Hearing, along with their recommendations to the County Board of Legislators.
4. The County Board of Legislators will have the final vote for acceptance and then will forward their resolution to the Commissioner of Agriculture and Markets who certifies that the inclusion of such land would serve the public interest by assisting in maintaining a viable agricultural industry within the district.
5. Within 30 days, the Commissioner of Ag & Markets will send notice of certification to the County and notification will be made to the individuals that submitted applications. Once the parcels have been certified by the State, assessors can make changes to the tax rolls.

If you have any questions, you may contact me at 793-3108, Guy Sassaman at the Oneida County Planning Department at 798-5710 or Ron Mead at the Department of Agriculture and Markets at 518-457-2713.

Thank you in advance for your attention and cooperation.

enclosures

cc: Farmland Protection Board Members
Ronald Bunce, Director, Cooperative Extension
Marty Broccoli, Cooperative Extension

RECEIVED
10:15 AM
DEC 27 2010
TOWN CLERK
[Signature]

~ NOTICE ~

PROTECT YOUR FARM LAND

**Open Enrollment Period
to Apply for Inclusion in an Agricultural District is**

January 1 – January 31

Apply Now!

Forms are available from the Town Clerk's Office

**Return postmarked by January 31st
to the Oneida County Planning Department
Union Station, 321 Main St.
Utica, NY 13501
c/o Guy Sassaman**

RECEIVED
DEC 27 2010
TOWN OF NEW YORKFORD
TOWN CLERK

Agricultural Districts

What are the Benefits? Are There Any Disadvantages?

By Carol M. O'Brien

Whether creating or reviewing an agricultural district, the question is always asked.

What are the tangible benefits or disadvantages of agricultural districts?

This brief presentation lists, in summary fashion, some of the more significant benefits which accrue to lands and farm operations found in agricultural districts certified by the State pursuant to Article 25AA of the Agriculture and Markets Law.

Agriculture Assessment

- Allows any owner of land used in agricultural production within an agricultural district to qualify for an agricultural assessment.
- Limits the power to impose benefit assessments, special ad valorem levies, or other rates or fees in certain improvement districts or benefit areas.
- Allows the governing body of a fire protection or ambulance district for which a benefit assessment or a special ad valorem levy is made, to adopt a resolution authorizing agricultural assessment to be used for the benefit assessment or a special ad valorem levy.

Limitation on Local Regulation

- Prohibits local government from exercising its powers to enact local laws or ordinances within an agricultural district in a manner which would unreasonably restrict or regulate farm structures or farming practices unless such restrictions or regulations bear a direct relationship to public health or safety.
- Allows the Commissioner of Agriculture and Markets to initiate legal action against local governments which unreasonably restrict or regulate farm structures and farming practices.
- Requires local governments, when exercising their powers to enact and administer comprehensive plans and local land use laws, ordinances, rules or regulations, to do so in a manner which does not unreasonably restrict or regulate farm operation within agricultural districts unless it can be shown that public health and safety is threatened.

Right to Farm

- Authorizes the Commissioner to issue, on request, opinions as to whether or not particular agricultural practices are sound.
- Requires that prior to sale, purchase or exchange of real property located partially or wholly within an agricultural district, the grantor provide the grantee with a disclosure statement.

Policy of State Agencies

- Requires that the policies of all state agencies encourage the maintenance of viable farming in agricultural districts.

Limitation on the Exercise of Imminent Domain and Other Public Acquisitions

- Requires any agency of the State, any public benefit corporation or any local government which intends to acquire land or any interest in land (more than one acre from any one actively operated farm or more than 10 acres in total), or which intends to construct, advance a grant, loan interest subsidy or other funds within an agricultural district to construct dwellings, commercial or industrial facilities, water or sewer facilities to serve nonfarm structures, to use all practicable means in undertaking such action to minimize or avoid adverse impacts on agriculture.
- Requires any agency, corporation or government proposing an action identified above to file a Preliminary Notice of Intent with the Commissioner of Agriculture and Markets for review and action.

Agricultural Data Statement

- Requires application for certain zoning and planning actions to include an Agricultural Data Statement as part of the review process.

Converting Land to Non-Agricultural Use

- Some feel this is a disadvantage, but conversion payback applies if you receive an agricultural exemption whether or not you are in the agricultural district. Actually, a landowner is penalized less if conversion occurs within an agricultural district. The consequence of a conversion is a payback payment based on five times the taxes saved in the most recent year of benefit. The payment also includes a 6% interest charge compounded annually for each year during the last five, in which the land received an agricultural assessment. An encumbrance runs with the land from the last time the parcel benefited *for five years in an Agricultural District and for eight years outside the district*. For land located outside an agricultural district, the obligation to make a payment for conversion creates a lien against the entire parcel, even if only a portion of the parcel benefited from the agricultural assessment.

Agriculture Districts OPEN ENROLLMENT

The Annual 30 Day Open Enrollment Period to join an agricultural district will take place during the month of January. Individuals in Oneida County who wish to join an agricultural district must contact the Oneida County Planning Office between January 1 and January 31 each year. The application will include tax parcel numbers and a demonstration that such land is predominately "viable agricultural land" which means the land highly suitable for agricultural production. Anyone with questions should call the County Planning Department.

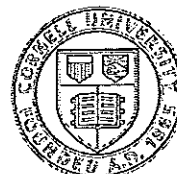
Farmland Protection Board
Guy Sassaman, Oneida County Planning
Email: gsassaman@ocgov.net
Phone: (315) 798-5710

Oneida County Planning will also be able to describe the differences between Right to Farm Laws, Agricultural Value Assessment and Agriculture Zoning.

Cornell Cooperative Extension is an equal program & employment opportunity provider. For more information call Marty Broccoli (315) 736-3394 ext. 121



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